

Rosemarie S. Baccile, Acting Executive Director
January 2, 2018

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)
Contractors

Meeting# 55 - Public Meeting Agenda

January 9, 2018 9:00 A.M. MONMOUTH ROOM

124 Halsey Street, Newark, NJ 07101

1. **CALL TO ORDER**

2. **ROLL CALL**

3. Licensed Master HVACR Contractors to date: 19HC00894600
Licensing and processing continues on a daily basis.
A "Reinstatement" application is available at the Board Office for those who failed to renew for the 2016-2018 biennial.

At each meeting, the Board is reviewing the credentials of those applicants who applied for a Master HVACR license by Examination.

The Board reviewed the applications submitted in the "Reciprocity" category by considering the licensure standards of the other States. The Board considered whether or not the licensure standards are equal to, or comparable with, those of New Jersey, in compliance with N.J.A.C. 13:32A-2.5, and secondly if that State reciprocates with New Jersey. This review was scheduled with DAG Donofrio and Regulatory Analyst Charles Manning, and these twenty six (26) States have been denied reciprocity by the Board:

February 7, 2017

Maryland, Texas, Ohio, Florida, Tennessee, Alabama, Delaware, Pennsylvania, New York, Illinois,

May 2, 2017

Arkansas, Louisiana,

July 5, 2017

Rhode Island, North Carolina, Kentucky, Virginia, South Carolina, Oklahoma

September 5, 2017

Arizona, California, Connecticut, Georgia, Nevada, New Mexico, West Virginia, Indiana
(Indiana does not have State licensing for HVACR contractors)

The Board concluded that the standards of these States are not comparable to those of New Jersey. A letter of denial was sent by email on October 19, 2017 to the 102 reciprocity applicants, and an alert has been posted to the Home Page.

The HVACR Website has been updated to include all approved Sponsors at
<http://www.njconsumeraffairs.gov/hvacr/Pages/continuingeducation.aspx>

4. APPROVAL OF THE DECEMBER 5, 2017 MINUTES

5. WELCOMING CONTINUING EDUCATION SPONSORS

All Licensed Master HVACR Contractors were exempt from the Continuing Education (5) five hour requirement for their first biennial renewal of July 1, 2016 to June 30, 2018, according to N.J.A.C. 13:32A-4.1 License Renewal; Continuing Education Requirement.

Licensed Master HVACR Contractors must complete the (5) five hour requirement CE requirement for their second biennial renewal:

July 1, 2018 to June 30, 2020

This requirement must be met before the next renewal date of July 1, 2018.

To assist Master HVACR Contractors with meeting the (5) hour Continuing Education requirement, the Board will continue to approve CE Sponsors and courses. Approved CE sponsors are now posted at the HVACR website:

<http://www.njconsumeraffairs.gov/hvacr/Pages/default.aspx>

The following individuals have submitted their requests and resumes for consideration to teach HVACR continuing education:

**5A. Vincent J. Tinervia, Plumbing Sub Code Official, Plumbing Inspector,
HVACR # 19HC00016300**

2 Clearstream Court
Manchester, NJ 08759
(732)-904-0111
plumbervin@aol.com
CE SPONSOR REQUEST

**5B. Joe Navarra, Training & Consultant for Trade, HVACR Comfort Pro LLC.
HVACR #19HC00194800**

46 Mount Ararat Lane
Toms River, NJ 08753
(848)-992-7392
jnavarra.hvacr@gmail.com
CE SPONSOR REQUEST

**6. CONTINUING EDUCATION
SUBMISSION OF COURSE OUTLINES BY APPROVED CONTINUING EDUCATION
SPONSORS**

The below approved Continuing Education Sponsor is now submitting his CE course outline for Board approval. He has paid the \$100 sponsor fee.

Name	Sponsor #
Albert A. Suhr	50

**7. APPOINTMENTS TO THE STATE BOARD OF EXAMINERS OF HVACR
CONTRACTORS ON OCTOBER 19, 2017**

Governor Christie announced the following appointments to the State Board of Examiners of HVACR Contractors.

Please note that both Michael Maloney and William Campbell's terms will commence on December 15, 2017.

Also, Mr. Barham will continue to serve until December 14, 2017.

State Board of Examiners of Heating, Ventilation, Air Conditioning, and Refrigeration Contractors
HVACR Journeyman

Reappoint Daniel Danko, Jr. (Hamilton, Mercer, District 14) to succeed himself

Mechanical Inspector 1

Reappoint Dominic D. Demico, Jr. (South Plainfield, Middlesex, District 18) to succeed himself

Mechanical Inspector 2

Reappoint Michael Maloney (Hamilton, Mercer, District 14) to succeed himself

Master HVACR Contractor 2

Appoint William Campbell (West Deptford, Gloucester, District 3) to replace William Barham (effective December 15, 2017)

**8A. FORMAL WELCOME OF NEWLY APPOINTED BOARD MEMBER
Master HVACR Contractor 2**

William Campbell (West Deptford, Gloucester, District 3) to replace William Barham

8B. DISCUSSION – HVACR BOARD MEMBER APPOINTED ON NOVEMBER 14, 2017;**RESIGNATION OF NEWLY APPOINTED BOARD MEMBER DATED DECEMBER 12, 2017
Public Member 1**

Adam Heck, ESQ. (Middleton, Monmouth, District 13) has submitted a formal resignation from his seat on the HVACR Board.

9. INQUIRY**EMAIL: NOVEMBER 26, 2017****FROM: DANIEL G. DANKO JR., HVACR # 0102, DANMOR MECHANICAL, INC.**

An in-duct smoke detector is a safety device that is mounted in the return and shuts the blower motor down on a HVACR system that is rated for 2000 cfm or more. Typically, in the field the HVACR mechanic provides and installs this device. They mostly wire the device to shut the HVACR system down and to a remote station that is installed in an area where the audio and visual and reset can be seen and heard by the people in the area where the device is protecting. HVACR mechanics never wire this device to an alarm panel, this is done by a licensed electrician or alarm company.

Because this device shuts the HVAC system off and on (like a thermostat or any other safety device like high and low pressure switches, oil pressure switches, high and low temp switches etc.) the in-duct smoke detector should be considered part of the scope of work for HVACR Contractors. The in-duct smoke detector is sometimes installed inside the package units or in the return and Supply ducts. Therefore it is part of the HVAC system.

We are under our scope of work allowed to install several other safety devices, the in-duct smoke detector is no different. You can argue that this device is also wired to an alarm panel, but in smoke cases so are the other safety devices the monitor the HVACR systems.

10. INQUIRY**LETTER: OCTOBER 30, 2017****FROM: ERIC DEGESERO, EXECUTIVE DIRECTOR, GSHCCA**

- I. The complaint form for the NJ Board of Examiners of HVACR contractors is not available on line as it is for the vast majority of other licensing boards. Instead of a complaint form, the public is directed back to the Board's home page. What is the process the public should follow to file a complaint?
- II. The public cannot ascertain who the bona fide representative (BFR) of a NJ HVACR contracting company is. This matter was discussed at a Board meeting in the past. Is there an update on resolving the information system (IT) limitation that has prevented this information from being publicly available?

10. CONTINUED

- III. Is the Board enforcing the requirement that a licensed NJ HVACR contractor must have the BFR's license number on the company's website, trucks, ads, contracts, invoices, etc., or is the Board allowing a phase-in? If the Board is allowing a phase-in when must companies comply? If it is currently enforcing the requirement, what is the penalty for non-compliance?
- IV. Effective July 21, 2017 (P.L. 2017 c. 173) it is now a crime of the 4th degree to engage in HVACR contracting or advertise HVACR contracting in NJ unless licensed in accordance with the statute. After appropriate investigation of a complaint for unlicensed work or advertising will the Board's default position be to assess a civil penalty or to pursue the criminal sanction? Might there be a distinction in the types of unlicensed work or advertising that the Board would consider more appropriate for a civil penalty than a criminal sanction? If the criminal sanction is pursued, what is the process that would be followed, would the Board refer it to the county prosecutor or does the Board have the ability to bring the complaint itself In Superior Court?

11. INQUIRY**EMAIL: DECEMBER 8, 2017****FROM: FRANK TAVERNA, HVACR #19HC00083200**

What is the restriction, if any, on an HVACR contractor for running low voltage (less than 30 volt) thermostat wire as to either a commercial or residential building?

Is it permissible for an HVACR contractor to shut off a circuit breaker that feeds an existing disconnect switch at a unit?

Is it permissible to have a non-licensed duct installer work as a sub-contractor for a licensed HVACR contractor to fabricate and hang duct where the licensed contractor is replacing equipment?

Is vinyl tubing still allowed as a condensate drain from a pump or must it be Pex tubing?

Are Stack heads no longer allowed in 2X4 walls, but must now use floor registers?

12. INQUIRY**LETTER: DECEMBER 5, 2017****FROM: HOME COMFORT CONSULTANTS****RE: AN HVACR CONTRACTOR'S SCOPE OF PRACTICE REGARDING THE
REPLACEMENT OF HUMIDIFICATION SYSTEMS**

13. INQUIRY**EMAIL: DECEMBER 18, 2017****FROM: MARY BETH KUPCHIK, INDEPENDENT CONTRACTOR, LEVEL-1 CONSTRUCTION, INC.**

I have a few questions in terms of a public project we recently bid on.

Are HVAC Master Contractors required to own their own business in order to complete HVAC work?

Are individual HVAC Master Contractors required to be a bona fide representative of a company in order to complete HVAC work? Or can they simply be considered an independent contractor?

Can they complete HVAC work for other general contractors as an independent Master HVAC Contractor?

14. INQUIRY – FULFILLING CE REQUIREMENTS**EMAIL: DECEMBER 20, 2017****FROM: DANIEL M. O'GORMAN, HVACR # 3966, CE Sponsor # 42**

Please confirm if a person who passed the NJ Plumbing exam and issued a NJ Plumbing license number between July 1, 2015 and June 30, 2017 is exempt from taking plumbing five (5) hour continuing education class.

This person also holds a NJ HVACR license renewed July 1, 2016 to June 30, 2018, therefore this person needs one hour of HVACR law for 2018-2020 HVACR license renewal since they completed the continuing education requirements for renewal of a license as a Master Plumber.

Is there a situation where a licensed NJ Master Plumber who holds a NJ HVACR license would need to take the five (5) hour HVACR continuing education class?

15. INQUIRY**EMAIL: DECEMBER 12, 2017****FROM: ABBE MILLER, REMM HEATING, INC.**

I have spoken to Lois at the Institute of Continuing Education and she explained to me that Master Plumbers need only take a one hour class which my husband and my son took at the same time they took their plumbing continuing education.

I have attached the certificates that my husband has received from the Institute of Continuing Education which Lois assured me are sufficient. She also explained that any employees I have with only an HVAC/R license need to take the five hour class that she said they also offer.

I am just trying to be sure my employees are taking the correct classes. Thank you for your assistance.

16. DISCUSSION -KERRY R. BURR, HVACR APPLICANT # 2134373

This applicant requires a review of his HVACR credentials which he acquired while serving in the U.S. Military, to determine if he is qualified for the HVACR examination.

**17. REPORTING ON
HVACR APPLICATIONS FOR EXAMINATION: (NO DOCUMENTS)
CHARLES MANNING, REGULATORY ANALYST**

- A. Provided in response to an inquiry presented in Open Session at the November 8, 2017 meeting from David Castner, Sheet Metal Workers regarding applicants for the HVACR examination in conjunction with the U.S. Department of Labor:

**Executive Closed Session
December 5, 2017**

On December 5, 2017, the Board determined as per N.J.A.C. 13:32A-2.2 Education requirements, and N.J.S.A. 45:16A-13, Application fee; requirements for licensure, that the applicants who have completed an apprenticeship with a document from the U.S. Department of Labor, for the occupation of "Sheet Metal Worker" are denied for the Master HVACR license examination. However, the Board recommended that those applicants return to the U.S. Department of Labor for that agency's approval of their program as an HVACR program. Applicants may re-apply for their Master HVACR license once their program has been approved by the U.S. Department of Labor.

B. REVISITING FROM THE DECEMBER 5, 2017 AGENDA

Review with Charles Manning and DAG Joseph Donofrio regarding formal apprenticeship programs and certificates of completion from the U.S. Department of Labor regarding pipefitters.

15. "FORMAL APPRENTICESHIP TRAINING"-

- CONSIDERING APPLICANTS FOR THE HVACR EXAMINATION. U.S. DEPARTMENT OF LABOR BUREAU OF APPRENTICESHIP;
- QUALIFYING FOR THE MASTER HVACR EXAMINATION,

13:32A-2.2 EDUCATION REQUIREMENTS

a) An applicant for licensure as a master HVACR contractor shall complete one of the following:

- 1) Five years of employment in the HVACR contracting business, which consists of:
- i) Four or more years in an HVACR apprenticeship or other training program approved by the United States Department of Labor, which includes education in the proper management of chlorofluorocarbons and other refrigerants, including high global warming potential gases, and education in propane services that meets the requirements of (c) below;

17B. CONTINUED>>

b) Pursuant to N.J.S.A. 45:16A-13, successful completion of an HVACR program given by a technical school, trade school, county college, or community college accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, shall satisfy two of the four years required by (a)1i above.

17. C COMPLETING APPRENTICESHIP TRAINING IN QUALIFYING FOR THE MASTER HVACR EXAMINATION (NO DOCUMENTS)**Pursuant to N.J.A.C. 13:32A-2.2 EDUCATION REQUIREMENTS**

applicants who present proper evidence of completing any one of the below programs, **an HVACR PROGRAM given by a technical school, trade school, county college or community college** accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, shall satisfy two of the four years required by (a)1i above.

The Board clarifies that these applicants may continue their apprenticeship training to gain the two (2) additional years, present evidence of their completion of those **two (2) additional years** with the respective journeyman year, and apply for the Master HVACR examination. However, it is noted that these applicants may not be granted a completion certificate from the U.S. Department of Labor since they have not completed the four-year formal apprenticeship program with the respective sponsor(s).

18. DISCUSSION

EMAIL: DECEMBER 7, 2017

FROM: FRANCESCA FLANAGAN

ASSEMBLY, No. 5255

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED DECEMBER 4, 2017

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Revises law concerning reciprocity for out-of-State professional and occupational licenses.

CURRENT VERSION OF TEXT

As introduced.

19. "FUME HOODS" – REVISITED FROM THE DECEMBER 5, 2017 MEETING

REPORTING ON THIS TOPIC

PRESENTED BY DAG

JOSEPH A. DONOFRIO

ON BEHALF OF THE BOARD.
